IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3193 OF 2003

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders.

Shri P.N.Joshi for the Petitioner.
Shri A.H.Palekar, A.G.P.for the Respondents Nos.1 & 2.
Shri R.V.More for Respondent No.3.

CORAM : ABHAY S.OKA, J.

DATED : 16th Oct., 2004.

P.C.:

1. By this petition under Articles 226 and 227 of the Constitution of India, the Petitioner has challenged the order rejecting his nomination paper in the by-election of the Nashik Municipal Corporation. In view of the availability of the remedy of filing an election dispute under the provisions of the Bombay Provincial Municipal Corporation Act 1949, this petition cannot be entertained. Accordingly the Writ Petition is rejected with no order as to costs. It is made clear that notwithstanding rejection of this Petition, the remedy of the Petitioner of filing election dispute under the provisions of the said Act will always remain open.

Judge.